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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,133	07/25/2001	Michael John Dixon	LE9-00-083	6435

21972 7590 04/02/2003

LEXMARK INTERNATIONAL, INC.  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
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LEXINGTON, KY 40550-0999

EXAMINER

DONOVAN, LINCOLN D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 04/02/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/915,133

Applicant(s)

Dixon et al.

Examiner

Lincoln Donovan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 30, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. [US 5,565,966] in view of Kobayashi [US 5,666,620].

Regarding claims 1-4, Ochiai et al. discloses a magnetic roller [40] formed of a material of at least 50-90% ferrite magnetic power resin [column 5, lines 12-25].

Ochiai et al. disclose the instant claimed invention except for: the roller resin being foamed.

Kobayashi disclose a roller [20] using a foamed resin coating.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the foamed resin design of Kobayashi for the roller of Ochiai et al. for the purpose of improving the application and conservation of toner in an developing device.

Regarding claim 8, Ochiai et al. discloses the use of carbon filler in the binder [column 5, line 17].

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Regarding claims 9-10, the specific ratio of filler and resin would have been an obvious design consideration based on the specific operating environment.

3. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the first embodiment of Ochiai et al., as modified, as applied to claims 1-4 above, and further in view of the second embodiment of Ochiai et al.

The first embodiment of Ochiai et al., as modified, disclose the instant claimed invention except for: the use of Nylon in the resin.

Regarding claims 5-6, Ochiai et al., as modified, discloses the use of nylon-6 [column 7, lines 53-column 8, lines 1-2] used in the resin.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use nylon in the resin of the first embodiment of Ochiai et al., as suggested by the second embodiment of Ochiai et al., for the purpose of improving strength.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al., as modified, as applied to claims 1-2 above, and further in view of Lee et al. [US 5,019,796].

Ochiai et al., as modified, disclose the instant claimed invention except for: the filler being strontium.

Lee et al. discloses a magnetic roller using strontium.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use strontium for the magnetic filler of Ochiai et al., as modified, as suggested by Lee et al., for the purpose of improving magnetic coercivity.

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*Response to Arguments*

5. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

The fax number for this Group is (703)-872-9318.

Application/Control Number: 09/915,133

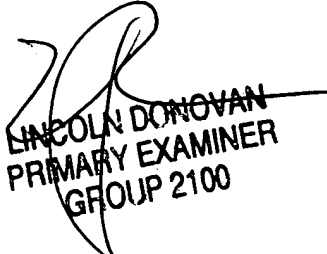
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

LDD

March 28, 2003

  
LINCOLN DONOVAN  
PRIMARY EXAMINER  
GROUP 2100